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Leslie A. Van Leeuwen
International Business Machines Corporation
Intellectual Property Law Dept., Internal Zip 4054
11400 Burnet Road
Austin, TX 78758

EXAMINER

ROMANO, JOHN J

ART UNIT PAPER NUMBER

2192

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/966,004	Applicant(s) DAKS ET AL.	
Examiner John J. Romano	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 September 2006.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Remarks

1. Applicant's amendment and response received September 6th, 2006, responding to the June 6th, 2006, Office action provided in the rejections of claims 1-31, wherein 1-31 remain pending in the application and which have been fully considered by the examiner.
2. Applicant's arguments, see pages 2-5, filed September 6th, 2006, with respect to the rejection(s) of claim(s) 1-31 under Project have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of "Using Microsoft Project 2000" as addressed below in the claim rejections.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-21 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "complex" in claims 1, 8, 15 and 31 is a relative term which renders the claim indefinite. The term "complex" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Accordingly, dependent claims 2-7, 9-14 and 16-21 are rejected for depending on a rejected base claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-6, 8-13, 15-20** and **22-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over "Using Microsoft Project 2000" (new art made of record & hereinafter **Project**) in view of Song et al., US5,949,999 (art made of record & hereinafter **Song**).

In regard to claim **1**, **Project** discloses:

- *"A computer controlled display system for tracking the development of ... products..."* (E.g., see pages 565-566, "Using Microsoft project in workgroups" & Figure 18.1), wherein an example software development product having a plurality of developmental lines (components being developed) is illustrated.
- *"...means for setting in each of said plurality of developmental lines, a sequence of checkpoints..."* (E.g., see page 661, "The Gantt Chart" & page 662, Figure 20.2 & page 140, "Entering Milestones" & page 19, fifth paragraph), wherein milestones, or interim goals, which mark the completion of a particular tasks included in a project. Milestones serve

as check points by which a project can be gauged. The gantt chart is a means to track the project.

- "...means for tracking each of said developmental lines to determine the reached checkpoints; and means for simultaneously displaying said plurality of developmental lines and indicating said reached checkpoints." (E.g., see Figure 15.14 + 15.15 & pages 488-489), wherein progress bars and/or progress marks indicate tasks that have been started, the percent complete and/or started or complete to track the reality of the project, wherein the plurality of tasks (development lines) are displayed simultaneously.

But **Project** does not expressly disclose "...complex software products... having a plurality of developmental lines.". However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use Microsoft Project for complex software projects comprising a plurality of developmental lines. The motivation to do so was provided by **Project's** teaching (E.g., see Figure 5.1 & pages 125-126), wherein organizing a project activity or task list into phases is disclosed.

However, **Song** teaches ((E.g., see Figure 3 & Column 3, lines 57-58), wherein a user defines procedures (checkpoints) to be performed during the project execution, wherein the particular system component would correspond to a respective developmental line as illustrated in Figure 3. As shown in Figure 2 and Figure 3, Song lists or displays a plurality of components or developmental lines (Patient and File Functions, Measurement, Imaging, Filming, System Functions, General Servers and

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Tools, etc...). **Project** and **Song** are analogous art because they are both concerned with the same field of endeavor, namely, managing/tracking the development of a software product. Therefore, it would have been obvious to one of ordinary skill in the art, to use Microsoft Project to develop a software product with a plurality of developmental lines.

In regard to claim **2**, the rejections of base claim **1** are incorporated.

Furthermore, **Project** discloses:

- "... means for modifying said developmental lines and said checkpoints; and means for displaying said modifications ..." (E.g., see pages 484-489, "Viewing the tracking Gantt chart", particularly page 486, "Tracking Actual Performance and Costs"), wherein revising the progress line duration and changing task relationships are disclosed.

In regard to claim **3**, the rejections of base claim **3** are incorporated.

Furthermore, **Project** discloses:

- "... displaying at each of said checkpoints, a set of developmental attributes for said checkpoint." (E.g., see pages 154-156, "Using the Task Details View" & Figure 5.32), wherein each milestone which is a task, can display a list of details associated with the task including subtasks, predecessor tasks and successor tasks as illustrated in the sequence of development by the task timeline.

In regard to claim **4**, the rejections of base claim **3** are incorporated.

Furthermore, **Project** discloses:

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- "...means for modifying said developmental attributes for each of said checkpoints; and means for displaying said modifications at each of said checkpoints." (E.g., see page 156, "Inserting, Clearing, and Deleting Tasks"), wherein a subtask, predecessor or successor task may be entered or deleted.

In regard to claim **5**, the rejections of base claim **3** are incorporated.

Furthermore, **Project** discloses:

- "...said developmental attributes include actions performed in said software product development." (E.g., see pages 154-156, "Using the Task Details View" & Figure 5.32), wherein subtasks, predecessor tasks and successor tasks actions performed in said product development.

In regard to claim **6**, the rejections of base claim **2** are incorporated.

Furthermore, **Project** discloses modifying or switching actions among tasks (e.g., see page 156, "Editing the Task List") wherein, editing or rearranging the task list is disclosed. Furthermore, **Project** teaches resolving resource allocation (e.g., see page 473, "Tracking work on the project") wherein the resources may be people (see pages 311-312, "Assigning resources to Tasks"). Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to reallocate resources (add activities or tasks to a developers project) to find ways to reduce costs (e.g., see page 486, "Tracking Actual Performance and Costs") during development of software.

In regard to claim **22**, **Project** discloses the limitations as addressed in regard to claim **1** above. But, **Project** does not expressly disclose "...a functional implementation stage to a complete integrated program product...": However, **Song** discloses:

- "A computer controlled display system for tracking the building of a program product from a functional implementation stage to a complete integrated program product..." (E.g., see Figure 3 & Column 1, lines 37-41), wherein a display which guides tracking of software development documents or products having a plurality of developmental lines is disclosed. Furthermore, Figure 3 illustrates the status of Implementation and Integration phases.

As per claims **8-13** and **25**, this is a method version of the claimed system discussed above, in claims **1-6** and **22**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Column 7, lines 31-33), wherein a method of the above system is disclosed.

As per claims **15-20** and **28**, this is a computer program version of the claimed system discussed above, in claims **1-6** and **22**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Figure 4 & Column 5, lines 51-52), wherein loading the project file into program memory for use is disclosed.

In regard to claim **23**, the rejections of base claim **22** are incorporated. But **Project** does not expressly disclose "*related to the compatibility functions of said checkpoint line*". However, it would have been obvious to one of ordinary skill in the art,

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at the time the invention was made, to include attributes that are related to the compatibility functions of said checkpoint line. The motivation to do so was suggested by **Song** (E.g. see, Figure 3 & Column 1, lines 37-45), wherein **Song** discloses "*the present invention is a mechanism that integrates software engineering and system components to guide the browsing/tracking of software development documents (e.g.,...testing) ...this capability is useful...for developing and validating safety-critical software systems*". It would have been obvious, to one of ordinary skill, at the time the invention was made, to include compatibility functions in the testing. Furthermore, **Song** discloses, "testing" in Figure 3. Therefore, it would have been obvious to include attributes "*related to the compatibility functions of said checkpoint line*". See claim 3 for the remaining limitations.

In regard to claim **24**, see the rejections of base claim **22** and **3**.

As per claims **26** and **27**, this is a method version of the claimed system discussed above, in claims **6** and **23**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Column 7, lines 31-33), wherein a method of the above system is disclosed.

As per claims **29** and **30**, this is a computer program version of the claimed system discussed above, in claims **6** and **23**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Figure 4 & Column 5, lines 51-52), wherein loading the project file into program memory for use is disclosed.

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5. Claims **7**, **14**, **21** and **31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Project** in view of **Song** and further in view of Hopwood et al., US 6,223,343 B1 (hereinafter **Hopwood**).

In regard to claim **7**, the rejections of base claim **2** are incorporated. But **Project** does not expressly disclose, "*said means for tracking are remote from said means for displaying*". However, **Hopwood** discloses:

- "...*means for storing, in association with said means for displaying, the data tracked by said means for tracking; and means for communicating the data tracked to said means for storing.*" (E.g., see Figure 6 (element 100, 106) & Column 15, lines 42-46), wherein the document repository (store) stores the data tracked in association with displaying, wherein the data is retrieved from the document repository.
- "...*said means for tracking are remote from said means for displaying...*" (E.g., see Figure 6 & Column 15, lines 22-31), wherein the RMS (means for tracking) is remote from the means for displaying.

Project, **Song** and **Hopwood** are analogous art because they are both concerned with the same field of endeavor, namely, managing/tracking the development of a software product. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine **Hopwoods'** remote means for tracking with **Projects'** software tracking system. The motivation was provided by **Song** in developing a tracking mechanism "for any organization that produces safety-critical software system". Therefore, it would be obvious, to one of

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ordinary skill in the art, to access the system remotely as many organizations have developers and managers in remote locations. Thus it would have been obvious to combine **Hopwoods'** remote means for tracking with **Songs'** software tracking system.

As per claim **14**, this is a method version of the claimed system discussed above, in claim **7**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Column 7, lines 31-33), wherein a method of the above system is disclosed.

As per claim **21**, this is a computer program version of the claimed system discussed above, in claim **7**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see Project (Figure 4 & Column 5, lines 51-52), wherein loading the project file into program memory for use is disclosed.

As per claim **31**, this is a method version of the claimed method discussed above, in claims **8-14**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Song** (Column 7, lines 31-33), wherein a method of the above system is disclosed.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Romano whose telephone number is (571) 272-3872. The examiner can normally be reached on 8-5:30, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJR



TUAN DAM
SUPERVISORY PATENT EXAMINER